

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

Criminal No. 13-20597

v.

Honorable Arthur J. Tarnow

D-6 Kevin Backstrom,

Defendant.

/

**DEFENDANT BACKSTROM'S SECOND SUPPLEMENTAL BRIEF
TO MOTION FOR COMPASSIONATE RELEASE**

18 U.S.C. § 3582(c)(1)(A)(i) provides procedures for “compassionate releases” This provision allows a court to reduce a prison term “if it finds that . . . extraordinary and compelling reasons warrant such a reduction.” 18 U.S.C. § 3582(c)(1)(A)(i). But that action must await a “motion of the Director of the Bureau of Prisons,” or a “motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier.” *Ibid.*

In this matter, Mr. Backstrom has made a concerted effort to exhaust his administrative remedies. In a previous filing Mr. Backstrom supplied counsel who in turn filed with the court a statement under penalty of jury outlining his efforts to exhaust his administrative remedies, including the filing of a document he referred to as a BP-9. That statement was provided through Corrlinks, a prison email system. Counsel asked Mr. Backstrom to send him a copy of the BP-9 which he did. (See Exhibit A).

This form entitled “REQUEST FOR ADMINISTRATIVE REMEDY” is dated May 14, 2020. In it he states that he is requesting to be “considered for a Compassionate Release pursuant to the Cares Act.” He notes that he has a September 23, 2020 release date. He further notes that he is 54 years old and has been designated to an outside crew for the past 2 ½ years. He further points out that he has had no incident reports, completed the core 7 requirements and completed RDAP. He has a re-entry plan and a place to live.

Mr. Backstrom sent a letter to this court seeking relief and it was entered by this court on June 15, 2020.

WHEREFORE for the foregoing reasons, Mr. Backstrom respectfully requests that this Court Order a compassionate release reducing his sentence to time served or some similar appropriate remedy.

Respectfully submitted,

By /s/MARK H. MAGIDSON
MARK H. MAGIDSON
Attorney for Defendant
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CERTIFICATE OF SERVICE

I, Mark H. Magidson, certify that on June 29, 2020, I electronically filed the above document, which resulted in the document being served electronically on all counsel of record.

/s/MARK H. MAGIDSON
MARK H. MAGIDSON
Attorney for Defendant
615 Griswold, Suite 810
Detroit, MI 48226
(313) 963-4311

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Exhibit

A

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Backstrom Kevin LAST NAME, FIRST, MIDDLE INITIAL REG. NO. 77425-098 UNIT A INSTITUTION FCI T. I.

Part A- INMATE REQUEST Request to be considered for Compassionate Release pursuant to the CARES Act based on the Covid-19 pandemic. I am currently serving a 094 month sentence with a September 3rd 2020 release date. I am requiring based on circumstances that has arisen at FCI Terminal Island Coronavirus outbreak. I'm 54 years old, I'm currently out custody and have been on the outside crew for 2 1/2 years, no incident reports the entire time of incarceration and have completed core 7 requirements for programming and have completed RDAP. I have a reentry plan to live with my brother Derrick Backstrom and going to work at his Real Estate Construction Company. Release address is 5228 Inadale Ave, LA, CA 90043.

5-14-20

DATE



SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

CASE NUMBER: _____

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

Part C- RECEIPT

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

USP LVN

RECIPIENT'S SIGNATURE (STAFF MEMBER)

BP-229(13)
APRIL 1982



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